



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

NOV 29 2012

CERTIFIED MAIL 7009 1680 0002 0140 6424
RETURN RECEIPT REQUESTED

Patricia Thomas
Chief Pilot
Flight Works Incorporated
1755 McCollum Parkway
Kennesaw, Georgia 30144

Re: ADMINISTRATIVE ORDER
Docket No. SDWA-04-2013-0751
Flight Works Incorporated

Dear Ms. Thomas:

The U. S. Environmental Protection Agency ("EPA") has determined that Flight Works Incorporated ("Flight Works") has violated the Safe Drinking Water Act (hereinafter, "SDWA"), 42 U.S.C. § 300f *et seq.*, and its implementing regulations found at 40 C.F.R. Part 141. Enclosed you will find an Administrative Order, issued pursuant to Section 1414(g) of the SDWA, 42 U.S.C. § 300g-3(g), which sets forth the violation(s) by Flight Works, and the requirements for Flight Works to return to compliance with the SDWA and its implementing regulations.

Specifically, Flight Works violated the SDWA and its implementing regulations by failing to provide a response to the EPA's October 11, 2011, Information Request in accordance with SDWA Section 1445, 42 U.S.C. § 300j-4, 40 C.F.R. § 141.31 and 40 C.F.R. § 141.800.

This Administrative Order will become effective immediately upon receipt and shall remain effective until Flight Works has demonstrated compliance with the requirements contained therein and EPA has issued a closure letter.

Failure to comply with the enclosed Administrative Order may subject Flight Works to further enforcement actions and to a civil penalty of up to \$37,500 per day under the SDWA Section 1414(g)(3)(A), 42 U.S.C. § 300g-3(g)(3)(A).

EPA urges your prompt attention to this matter. If you have any questions, please contact Ms. Stephanie Sessoms-Midgett, at (404) 562-9791. If your attorney has questions, he or she should contact Ms. Wilda Cobb, Associate Regional Counsel, at (404) 562-9530.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Giattina", with a long horizontal flourish extending to the right.


James D. Giattina
Director
Water Protection Division

Enclosure - Administrative Order

IV. GENERAL PROVISIONS

12. This Administrative Order does not constitute a waiver, suspension, or modification of the requirements of the National Primary Drinking Water Regulations or of the SDWA, which remain in full force and effect. Issuance of this Administrative Order is not an election by EPA to forego any other enforcement action otherwise authorized under the Act.
13. This Administrative Order does not relieve the Flight Works of any responsibilities or liabilities established pursuant to any applicable federal or state law or regulation.
14. Violations of the Safe Drinking Water Act's requirements and its implementing regulations may subject the owner and/or operator of public water systems to (i) a civil judicial penalty of up to \$37,500 per day of violation for each such day in which a violation occurs, as assessed by the United States District Court, under SDWA sections 1414(b) and 1414(g)(3), 42 U.S.C. §§ 300g-3(b) and 300g-3(g)(3), or (ii) an administrative penalty of up to \$32,500, after notice and opportunity for a hearing, under SDWA section 1414(g)(3), 42 U.S.C. § 300g-3(g)(3).
15. This Administrative Order shall become effective immediately upon receipt.

ORDERED, this 29 day of November, 2012



James D. Giattina
Director
Water Protection Division
U.S. Environmental Protection Agency
Region 4
61 Forsyth Street, SW
Atlanta, Georgia 30303-8960

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF:

Flight Works Incorporated
Kennesaw, Georgia 30144

Docket No. SDWA-04-2013-0751

ADMINISTRATIVE ORDER

Proceedings under Section 1414(g) of the
Safe Drinking Water Act, 42 U.S.C. § 300g-(3)

I. STATUTORY AND REGULATORY AUTHORITY

The following findings are made and Administrative Order (hereinafter, "Order") issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (hereinafter, "the EPA") by Section 1414(g) of the Safe Drinking Water Act, 42 U.S.C. § 300g-3(g) (hereinafter, "the Act" or "SDWA"). The Administrator of the EPA has delegated the authority to take these actions to the Regional Administrator, who has delegated such authority to the Director, Water Protection Division.

SDWA Section 1445 and 40 C.F.R. § 141.31 authorize the EPA to require the submittal of information so it can determine if a public water system is in compliance with federal drinking water regulations.

On October 19, 2009, EPA promulgated the Aircraft Drinking Water Rule (ADWR), 40 C.F.R. §§ 141.800- 141.810, to ensure that safe and reliable drinking water is provided to aircraft passengers and crew. EPA has primary enforcement authority for the ADWR.

II. FINDINGS

1. Flight Works Incorporated ("Flight Works") is an aircraft management and charter company located in Kennesaw, Georgia and therefore is an air carrier within the meaning of the ADWR, 40 C.F.R. § 141.801.
2. Information contained in the Federal Aviation Administration's database indicates Flight Works owns and/or operates twenty aircraft to engage in air transportation.
3. Information obtained from Flight Work's current website indicates that Flight Works is licensed to fly and operate numerous types of jets; light, mid-size, super-mid and heavy for charter services.
4. SDWA Section 1401, 42 U.S.C. § 300f, and 40 C.F.R. § 141.2 define a public water system as a system that provides piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of

the year. A public water system includes any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system, and any collection or pretreatment storage facilities not under such control that are used primarily in connection with such system.

5. Based on information available, EPA finds that Flight Works owns and/or operates aircraft that may meet the definition of a public water system and thus must comply with the requirements of the ADWR.
6. On October 11, 2011, EPA issued a SDWA Section 1445 Information Request (IR) to Flight Works. The IR required submittal of information to EPA necessary for the Agency to determine if the ADWR applies to Flight Works.
7. On June 5, 2012 and June 19, 2012, EPA contacted Flight Works via telephone in an effort to stress the importance of responding to the IR. To date, EPA has received no response from Flight Works to the IR.
8. Therefore, Flight Works is in violation of the SDWA Section 1445, 42 U.S.C. § 300j-4, 40 C.F.R. § 141.31 and 40 C.F.R. § 141.800 for failure to respond to EPA's IR regarding the ADWR.

III. ORDER

Based on the foregoing findings and pursuant to the authority of Section 1414(g) of the Act, 42 U.S.C. § 300g-3(g), I HEREBY ORDER that:

9. No later than December 30, 2012, Flight Works shall submit to EPA a response to the entire October 11, 2011 IR (enclosed). Compliance with the IR is required by SDWA Section 1445, U.S.C. § 300j-4. Flight Works must sign and submit to EPA the certification form included with the IR.
10. **All information required to be submitted to EPA shall be submitted to:**

Ms. Stephanie Sessoms-Midgett, Senior Enforcement Officer
Safe Drinking Water Branch
U.S. EPA, Region 4
Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, Georgia 30303-8960
11. This Administrative Order shall remain in effect until Flight Works has demonstrated compliance and the EPA issues a closure letter.